



# City of Santa Barbara California

III. D.

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** October 4, 2017  
**AGENDA DATE:** October 11, 2017  
**PROJECT ADDRESS:** 3360 Braemar Drive (MST2017-00304)  
Residential Alterations and Detached Accessory Dwelling Unit  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Beatriz Gularte, Senior Planner BEG  
Megan Arciniega, Associate Planner

### I. PROJECT DESCRIPTION

The project includes the conversion of an existing 556 square foot accessory structure to an Accessory Dwelling Unit (ADU) pursuant to Government Code 65852.2. As part of the conversion the accessory structure, the project proposes removal of the wood deck currently attached to the structure and replacement with permeable paving; as well as construction of a new covered entry, porch, 6 foot wood access gate, driveway, and single uncovered parking space. The existing residence and accessory structure to be converted into the ADU are located within the required front setback; therefore alterations to the structures require approval of a Front Setback Modification.

The project is located within the Non-Appealable Jurisdiction of the City's Coastal Zone and because the new ADU created is detached, a Coastal Development Permit is required for the ADU per Coastal Commission Memorandum dated April 18, 2017 (New Accessory Dwelling Unit Legislation).

The applicant is also proposing other alterations to the existing 1,751 square foot single-story residence including 13 square feet of demolition, 412 square feet of additions, changes to the roof, and replacement of a 6 ft. wide window with an 8 ft. wide door; as well as the demolition of two storage sheds (119 square feet and 128 square feet). The improvements to the existing single family residence are exempt from Coastal Development Permit requirements per SBMC 28.44.070.D.

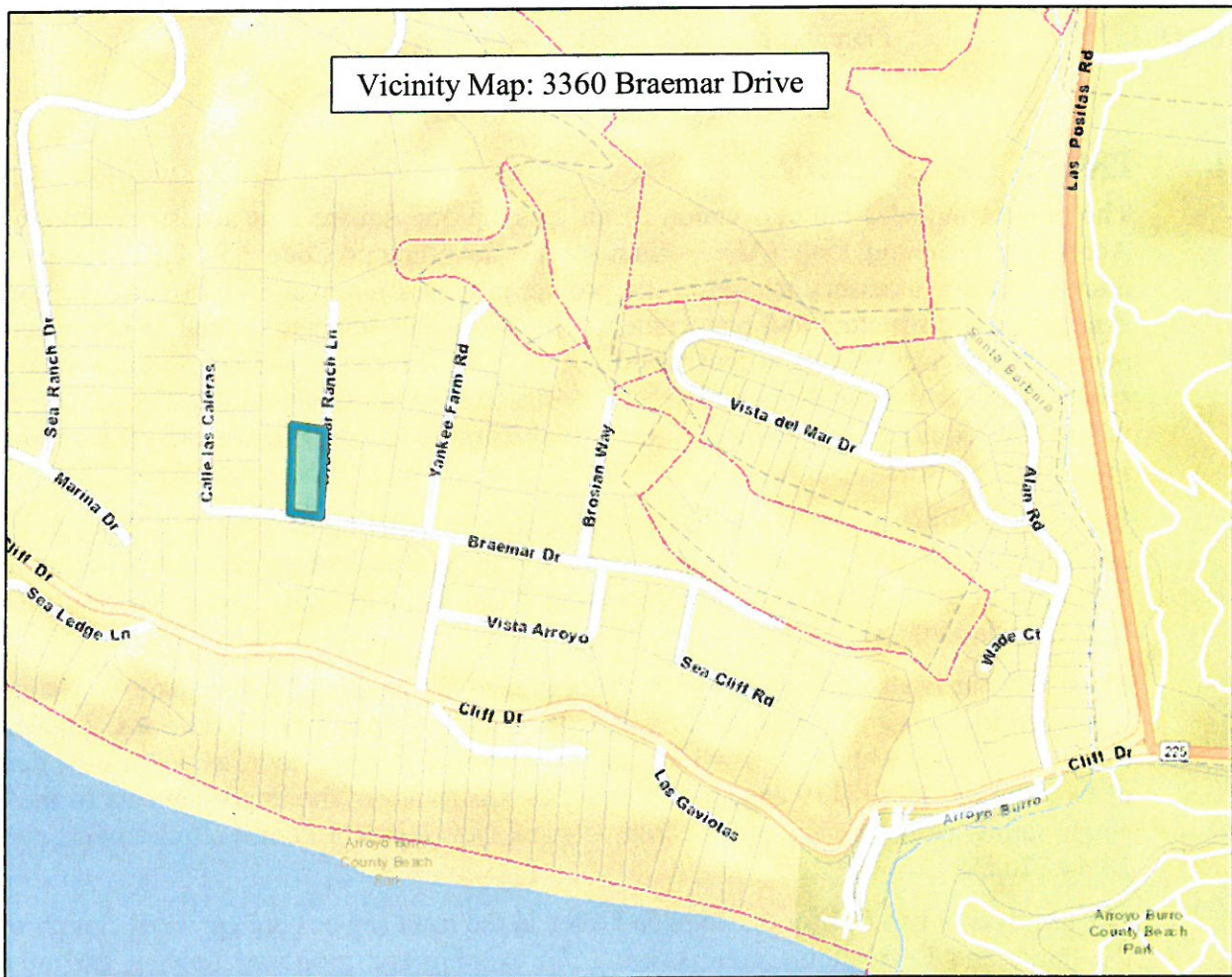
The removal of two California Redwood trees in the front setback are currently under review by the Parks and Recreation Commission. The existing and proposed fencing and new 6-foot entrance gate along Braemar Drive, require an Administrative Height Exception, which is currently under review by the Community Development Director.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures.

## II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. A Front Setback Modification to allow alterations to the residence and accessory structure (Accessory Dwelling Unit) that are non-conforming to the front setback (SBMC §28.92.026.A); and
- B. A Coastal Development Permit (CDP2017-0004) to allow a detached Accessory Dwelling Unit in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).



APPLICATION DEEMED COMPLETE:  
DATE ACTION REQUIRED:

September 7, 2017  
December 3, 2017

## III. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings in Section V of this Staff Report.

#### IV. BACKGROUND

##### A. PORTIONS EXEMPT FROM PUBLIC HEARING

New State requirements regarding local government regulation of “accessory dwelling units” (ADUs) became effective on January 1, 2017. The Legislature amended Government Code section 65852.2 to modify the requirements that local governments may apply to ADUs with the intent of removing development barriers. Government Code 65852.2 states that ADU applications “shall be considered ministerially without discretionary review or a hearing.”

However, 65852.2 does not “supersede or in any way alter or lessen the effect or application of the California Coastal Act...except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.” (Gov. Code, § 65852.2, subd. (j).)

On April 18, 2017 the California Coastal Commission published a memorandum clarifying how local jurisdictions should apply the new regulations in the Coastal Zone. The memorandum clarifies that although *attached* ADU applications can be exempt from Coastal Development Permits, *detached* units do not qualify for an exemption. However, detached units which involve no potential for any adverse effect on coastal resources and are consistent with the Chapter 3 policies of the Coastal Act, do qualify for a Coastal Development Permit “waiver.” In the City of Santa Barbara, this “waiver” is known as a “Coastal Development Permit without hearing.” Therefore, the Staff Hearing Officer, is the designated decision-maker on the Coastal Development Permit (SBMC 28.44.110.C), but shall not require a public hearing in accordance with Government Code 65852.2.

#### V. SITE INFORMATION AND PROJECT STATISTICS

##### A. SITE INFORMATION

<b>Applicant:</b>	Jim Davis, Wade Davis Design		
<b>Property Owner:</b>	Alex and Kris Brodie		
<b>Site Information</b>			
<b>Parcel Number:</b>	047-030-020	<b>Lot Area:</b>	43,631 square feet
<b>General Plan:</b>	Low Density Residential	<b>Zoning:</b>	A-1/S-D-3
<b>Existing Use:</b>	Residential	<b>Topography:</b>	10% average slope
<b>Adjacent Land Uses</b>			
North - Residential    East - Residential South - Residential    West - Residential			



## B. PROJECT STATISTICS

	Existing	Proposed
<b>Living Area</b>	1,751 sq. ft.	2,176 sq. ft.
<b>Garage</b>	438 sq. ft.	438 sq. ft.
<b>Accessory Space</b>	803 sq. ft.	556 sq. ft. (ADU)
<b>Floor Area Ratio</b>	2,745 sq. ft. = 55% of Maximum Guideline FAR	3,543 sq. ft. = 71% of Maximum Guideline FAR

## VI. POLICY AND ZONING CONSISTENCY ANALYSIS

### A. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
<b>Setbacks</b>			
-Front	35 ft.	8 ft. 5 in.	8 ft. 5 in.*
-Interior	15 ft.	25 ft. 10 in.	25 ft. 10 in.
-Rear	15 ft.	11 ft. 8 in.	11 ft. 8 in.
<b>Building Height</b>	30 ft.	11 ft. 6 in.	16 ft. ¾ in
<b>Parking</b>	2 covered spaces + 1 uncovered (ADU)	2 covered spaces	2 covered 1 uncovered
<b>Lot Area Required for Each Unit</b>	1 unit/acre + 1 ADU	1 unit/acre	1 unit/acre + 1 ADU
<b>Open Yard</b>	1,250 sq. ft.	1,250 sq. ft.	1,250 sq. ft.
<b>Lot Coverage</b>			
-Building	N/A	3,181 sq. ft. 7%	3,414 sq. ft. 8%
-Paving/Driveway	N/A	10,027 sq. ft. 23%	11,204 sq. ft. 26%
-Landscaping	N/A	30,423 sq. ft. 70%	29,013 sq. ft. 66%

\*Modification requested

#### 1. FRONT SETBACK MODIFICATION

The subject property fronts two streets: Braemar Drive (which is a public street) and Braemar Ranch Road (which is partially City-owned and partially private). Per City records, the eastern portion of the road was intended to be dedicated to the City but was not accepted, and therefore remains privately held. It is unlikely to be developed, and because of this the front setback is still taken from the edge of the private right of way.

The existing residence and accessory structure are located eight feet and 16 feet respectively, from the edge of private road right of way instead of the 35 feet required. Changes to the portions of these structures within the front setback requires modification approval (SBMC §28.87.030.d.1.a.). Staff supports the request for the Front Setback Modification, because the changes would allow for an appropriate improvement on the lot without further reducing the setback. Additionally, the lot is partially constrained by having two relatively large front setback requirements. Additionally, the private road

easement creates the appearance of additional setback area along the frontage and is unlikely to be developed.

With the approval of the requested Front Setback Modification, the project would meet the requirements of the Zoning Ordinance.

## **2. ACCESSORY DWELLING UNIT STANDARDS**

Accessory dwelling units are permitted in single family and multi-family residential zones provided they meet the requirements in Government Code 65852.2 and comply with applicable local zoning requirements. The proposed detached accessory dwelling unit would be created by converting an existing accessory structure on the property, which is less 1,200 square feet in size. Additionally, the unit complies with building height, open yard and setback requirements, with the exception of the front setback as discussed above. Lastly, the unit complies with solar access regulations with a maximum height of 13.5 feet and parking requirements with the addition of one uncovered parking space.

## **B. LOCAL COASTAL PLAN CONSISTENCY**

### **COASTAL DEVELOPMENT PERMIT**

Per the California Coastal Commission memorandum dated April 18, 2017, the detached ADU requires a Coastal Development Permit and thus must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act.

The project is in Component One of the Local Coastal Plan (LCP), which is located between the western City limit and Arroyo Burro Creek. The LCP states that the entirety of this area is assigned for one dwelling per acre land use, with the exception of Arroyo Burro County Beach which is a public recreation use. The major coastal issues identified for Component One include hazards related to fire services and seacliff retreat; maintenance of views along Cliff Drive; and lateral access along the beach below the bluffs.

The City Fire Department reviewed the project as part of the DART application process, however no fire compliance issues were identified for the project. The project site is not located on the coastal bluff and was not found to be archaeologically sensitive. Public views would not be affected because there are no public view corridors on the project side of the street and the accessory dwelling unit would not increase the height because conversion of an existing structure. Furthermore, the proposed ADU would not require substantial development, as it would be located within an existing accessory structure. Minor exterior alterations are proposed including removal of the wood deck, installation of new permeable paving, a covered entry, porch, and new 6 foot wood access gate, driveway, and single uncovered parking space. These improvements do not pose adverse effects on coastal resources and are all consistent with the Chapter 3 policies of the Coastal Act. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

#### Applicable Policies

- a. LCP Policy 5.3: *New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and /or on-street parking resources of existing residential neighborhoods shall not be permitted.*

This project is consistent with this Policy because no new square footage or size is being added to the building. The project would be converting the existing accessory structure to an accessory dwelling unit and would therefore not alter the existing character of the neighborhood. Additionally, the building is single-story and is largely screened by existing fencing. With the provision of three parking spaces for the residential uses, no overburdening of on-street parking resources is expected.

- b. LCP Policy 5.6: *To the maximum extent feasible, taking into account economic, environmental, social and technological factors, provisions for low-and moderate-income housing in all new residential developments shall be provided.*

This project is consistent with this policy because the new accessory dwelling unit is modest in size and would therefore be more affordable by design.

- c. LCP Policy 9.1: *Existing views to and from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced.*

The creation of this dwelling unit would be within the footprint of the existing building and would not inhibit existing views to, from or along the ocean or any scenic coastal areas. Therefore, this project is consistent with this Policy of the LCP.

#### **VII. ENVIRONMENTAL REVIEW**

Staff and the Environmental Analyst have determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305 (New Construction or Conversion of Small Structures) which includes construction of and additions to single family residences, as well as construction of second dwelling units in residential zones. Additionally, the project site is not located within any sensitive or protected resource areas nor would the project result in significant impacts to the surrounding areas as the development would be consistent with the residential neighborhood.

#### **VIII. DESIGN REVIEW**

The proposed residence changes or ADU do not require design review. Design review was however completed for the existing as-built 6-foot wood fencing and new entry gate exceeding 3.5 feet within 10 feet of the front lot line (fencing being reviewed for an Administrative Fence Height Exception). The Single Family Design Review Board reviewed the fencing on August 21, 2017 and granted conceptual, project approval and final approval at that meeting.

**IX. FINDINGS**

The Staff Hearing Officer finds the following:

**A. FRONT SETBACK MODIFICATION**

The modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed changes would allow for a new ADU within an existing nonconforming structure and will allow improvements to the existing structure which are appropriate improvements on the lot without further encroachment into the nonconforming front yard setback. Additionally, the lot is partially constrained by having two relatively large front setback and the private road easement creates the appearance of additional setback area along the frontage and is unlikely to be developed.

**B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including views and public access, as described in Section VI.B.2 of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the new accessory dwelling unit is compatible with the existing neighborhood, will not impact views from public view corridors, will not impact public access, and is not located on a coastal bluff or in an archaeological sensitivity zone, as described in Section VI.B.2 of the Staff Report.

**Exhibits:**

- A. Conditions of Approval
- B. Site Plan (Included in Large Plan Set)
- C. Applicant's letter, dated August 10, 2017

## STAFF HEARING OFFICER CONDITIONS OF APPROVAL

3360 BRAEMAR DRIVE

MST2017-00304

OCTOBER 11, 2017

I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
4. Record any required documents (see Recorded Conditions Agreement section).
5. Permits.
  - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
  - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on October 13, 2017 is limited to alterations to the existing single family dwelling and conversion of the accessory structure to an accessory dwelling unit as shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Accessory Dwelling Unit.** The accessory dwelling unit shall not be sold separately from the primary residential unit, and shall be rented for more than 30 days.
3. **Owner Occupancy Required.** The owner of the lot shall occupy either the primary residential unit or the accessory dwelling unit as his or her primary residence.
4. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.



5. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
  6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
    - a. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
    - b. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
    - c. **Private Road Improvements.** The proposed private road shall be constructed to the same standards as public roads, as outlined in the 1975 Interim Design and Improvement Standards, the DRAFT Engineering Design Guidelines, and as approved by the Public Works Director.
    - d. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction

of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.

2. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
- b. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit a hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
- c. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

D. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor name, telephone number, construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
3. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

F. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These



commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF MODIFICATION APPROVAL TIME LIMITS:**

The Staff Hearing Officer action approving the Conditional Use Permit, Modification, Performance Standard Permit, or Variance shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):**

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If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.



## **City of Santa Barbara California**

### **\*\*\* SEPARATELY DISTRIBUTED SITE PLAN \*\*\***

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) to verify closure dates.

**EXHIBIT B**

**August 10, 2017**

Staff Hearing Officer  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

**Re: Modification Request for 3360 Braemar Drive; APN 047-030-020; Zone A-1/SD-3**

Dear Staff Hearing Officer:

There is an existing 1,751 square foot one-story, single-family residence, with a 412 square foot attached two-car garage with an attached storage shed 128 sf, a detached storage shed 119 sf and a detached accessory structure 438 on the property at 3360 Braemar Drive.

*The house and detached accessory structure encroach into the secondary front yard setback 27'-0" & 14'-3" respectively. The attached garage encroaches into the western interior yard setback 3'-6". The city archived residence building plans are dated 8/18/55. A modification was granted on 7/21/65 to allow the creation of a lot with no street frontage. The accessory structure has a building permit dated 10/4/72. A modification was granted 8/3/83 to permit a garage to be constructed within the required westerly interior setback.*

We are proposing:

1. Conversion of (e) accessory structure to accessory dwelling unit pursuant to government code 65852.2.
2. New covered entry & porch at (n) accessory dwelling unit. Modification approval/staff hearing officer review required.
3. Demo existing wood deck on south side of to accessory dwelling unit & replace with permeable paving.
4. Demolition of two storage sheds.
5. New driveway, 6'-0"h. wood gate & flanking fence to screen (n) one uncovered parking space adjacent to accessory dwelling unit.
6. Two new rain barrels to be installed to meet tier 2 storm water management plan requirements at (n) accessory dwelling unit.
7. Demolition of portion of sfd 13 sf net 8 sf gross.
8. Single Family Residence addition of 412 sf net 517 gross total. Modification approval/staff hearing officer review required for 94 sf net 97 sf gross portion located within secondary front yard setback.
9. Replace 6'-0" wide window with 8'-0" wide door at residence.

**The modification being requested is to allow the following within the required thirty five-foot secondary front yard setback:**

- a. *To build a new cantilevered covered entry to encroach eighteen foot four inches into the required **thirty-five foot secondary front yard setback**. The encroachment will allow the proposed covered entry to create an area to shelter residents and guest. The encroachment is needed as no cover exists around the structure and the existing eaves are being cut back due to termite damage.*
- b. *To build a portion of a new covered patio to encroach fourteen foot three inches into the required **thirty-five foot secondary front yard setback**. The encroachment will allow for a covered outdoor area adjacent to the accessory dwelling unit. The proposed covered porch is needed, as there is no other outdoor space that provides refuge from the elements.*



- c. To enclose a portion of the existing covered patio and to raise ceiling height to eleven foot six inches on the south and nine foot six on the north located within the required **thirty-five foot secondary front yard setback**. The encroachment will allow for an indoor/outdoor living/dining /great room. The encroachment is needed, as the room is currently undersized to accommodate both functions the higher plate heights will make the room have better proportions.
- d. To modify/lessen the roof pitch of the existing bedroom wing, which encroaches, twenty-six foot eleven inches into the required **thirty-five foot secondary front yard setback**. The encroachment will allow the roof pitch to be modified from 4:12 to 2:12. The reduction in roof slope is needed in order to allow the living/dining/great room massing to be more aesthetically pleasing.
- e. To replace one south facing window with a door (eight foot wide x six foot-eight high) located twenty-three foot eleven inches within the required **thirty-five foot secondary front yard setback**. The encroachment will allow the occupants to better take advantage of the views & to provide natural daylight and ventilation. The proposed door is needed to provide natural daylight, ventilation & egress for the bedroom.

The major benefits of having the proposed items listed above encroach into the required setback are:

- 1. The proposed covered entry at the accessory dwelling unit will allow a place of refuge for the residence and guest with minimal site impact.
- 2. The proposed south facing covered patio at the accessory dwelling unit will help with solar heat gain and will not encroach into the setback further than what the existing structure currently does.
- 3. The proposed raising of the plate heights, lessening of the roof pitch & door alteration at the main residence will enhance the overall aesthetic character of the residence and in turn the neighborhood.

We hope that you will take the benefits listed above into consideration for the approval of the modification items we are requesting. Please feel free to contact us with any questions about the project.

Sincerely,

  
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Jim Davis Architect